

On motion of Mr Pierpont, the Senate resolved that when it adjourns, it adjourn without day.

The Secretary was directed by the President to inform the House that the Senate had no further communications to make.

Mr Converse, having informed the Senate that the Governor had no further communications to make to the General Assembly, the Senate adjourned without day.

HOUSE.
Revised Statutes.—Chapter 23, of process the House concurred in the amendment of the Senate to that of the House, relating to trustee process, 111 of our repeated reported, amended and subsequently passed 113, of which amendments proposed by committee of conference agreed to.

Militia Bill.—The Senate by message, asked a conference on this bill, which was agreed to, and on the part of the House, Messrs Needham, Fuller and Dean, were appointed the committee. Subsequently the committee reported, recommending the House to concur in the first and twelfth amendments (leaving the law of exemptions as heretofore, and requiring drills but once in two years); the Senate concurring in its [15] other amendments. Messrs Rice, Fuller, Chandler and Warner of New-Haven supported conference in the recommendation of the committee as to the first amendment, opposed by Messrs Thomas and Tyler; the House recorded from its disagreement to both the 1st and 12th.

Resolution.—Mr Needham offered the following:
Resolved, That the thanks of this House be presented to the Hon. Charles Condit, for his able, impartial and dignified manner in which he has performed the unusually laborious and responsible duties of Speaker of this House during the present session; that our best wishes will ever attend him hereafter; and that we shall remember our indebtedness here only with feelings of fraternal interest and regard; which was read and adopted unanimously whereupon the Speaker responded in kind terms, reciprocating the kind feelings expressed by the House.

Mr Butler offered a resolution for publication in all the newspapers in this State of those parts of the revised statutes which go into operation previous to the first of July next, adopted.

The House having insisted upon its amendment to chapter 28, extending the trustee process, and the Senate having insisted upon their disagreement and asked a conference, it was agreed to, and Messrs Dillingham, Fuller and Needham, were appointed on the part of the House. The committee of conference recommended a substitute for the amendment of the House which was agreed to.

The usual messages having passed between the Executive and both Houses, the Speaker declared the House adjourned without day.

FROM THE QUINCY WHIG.

THE HOOSIER NEST.

The good citizens of our sister State, Indiana, are pretty generally known throughout the West by singular appellation of *Hoosier*. The following rhyme, from a young Hoosier, conveys a very graphical picture of Hoosier life on the frontier of Indiana. The picture will also answer for the wider parts of Illinois.

Suppose, in riding through the West,
A stranger found a "Hoosier's nest?"
In other words a Bark eye cabin,
Just big enough to hold a Queer Lab-in;
In situation low but airy,
Was on the borders of a prairie;
And bearing like might be imagined,
He hailed the house and then alighted.
The Hoosier met him at the door,
Their salutations soon were o'er;
He took the stranger's horse aside,
And to a sturdy sapling tied;
Then having stripped the saddle off,
He let him in a eager rough;
The stranger stepped to enter in,
The entrance being with a pin,
And manifested strong desire,
To seat himself by the log fire,
Where half a dozen Hoosierous,
With much and milk, tin cups and spoons,
White bread, bare feet and dirty faces,
Seemed much inclined to keep their places;
But maddened by the sight,
Her rough and undisciplined way,
Her offering to the father, led,
And caught the younger one up to bed.
Invited shortly to parakee,
Of venison, milk and poultry, cake,
The stranger made a hearty meal,
And glances round the room would steal,
One side was lined with three gamblers,
The other round with a lot of "crackers,"
Dried pumpkin overhead were hung;
Where venison hung in plenty long;
Two rifles pointed above the door,
Three dogs lay stretched upon the floor;
In short, the domicile was vile,
With specimens of Hoosier life,
The host who entered his affections,
On game, and range, and quarter sections,
Discouraged his weary guest for hours,
Till sundown over potent power,
Of sublimity came forth 'em.

No matter how the story ended—
The application I intended,
Is from the famous Hoosier poet,
Who seems to feel as well as know it,
That "hoosier" clings and clings forever,
Are bred in a way as this is!

MEETING AT DOWNINGVILLE.

On Monday, the 11th day of November, 1839, in observance of a previous call, a meeting of the citizens of Downingville was held at the School House, to take into consideration the present topographical survey [commonly called "topography"] condition of things in these United States.

Joshua Downing, Esq. was duly appointed Moderator, and Seth Sprague, Esq. and John Downing, Major, &c. &c. were appointed Secretaries to figure up and write out the proceedings.

The Moderator stated the object of the meeting, and after considerable consultation and talking, the following resolutions were read and agreed to:—

Resolved, That the evils that now press upon the country are ploughed too deep to be scraped or harrowed down smooth by one town meeting—and that it requires the united wisdom of the whole country to come together and consult over the matter so that what is done and advised shall go forth endorsed "E Pluribus Unum."

Resolved, That due notice be given to all the States to appoint delegates to meet in Convention at Downingville which Convention will assemble and be ready for business as soon as they can get together; and that each state send three members,

and the Territories one member each.

Resolved, That, to the end, that said delegates should be fully prepared and be elected to discharge the duty required of them, this meeting now state the business that will be come before said Convention, so there may be no mistake about it.

1st. The currency—hard and soft.
2d. Trade and internal improvements.
3d. The Gov't and the next Presidency.
4th. Matters and things in general.

Resolved, That as these subjects will take in pretty much all that now requires consideration—and it put straight will put all things straight—it is, particularly requested, for the sake of expedition and sound acting, that no one be delegated unless he has some interest in these matters—no brawling politicians, with long tongues and short heads—no imported patriots whose morals and politics were taught in other countries—no office-holders or office-seekers—but men of the true grit. All others will stand no more chance in this Convention, than stumped tail'd bulls in fly time.

Resolved, That the proceedings of this Convention be published under the direction of the Moderator and Secretaries. So that when it gets once correctly printed in one paper, all creation can copy and read understandingly.

Resolved, That the rules and regulations of the Convention shall be given out by the Moderator, as soon as he takes the chair—and if there is any dispute about them thereafter, he is to decide—and take the responsibility—except in matters where the Constitution of the United States crosses the track—then the Moderator must take the Vote of the Convention, and go according to their understanding of it.

JOSHUA DOWNING, Moderator,
From the Philadelphia Gazette.

DEATH WARRANT OF JESUS CHRIST.

Of the many interesting relics and fragments of antiquity which have been brought to light by the persevering researches of modern philosophy, none could have more interest to the philanthropist and the believer, than the one which we copy below. "Chance," says the *Courier des Etats Unis*, "has just put into our hands the most imposing and interesting judicial document to all Christians, that ever has been recorded in human annals: that is the identical death warrant of our Lord Jesus Christ." The document was faithfully transcribed by the editor and is *hæc verba*:

Sentence rendered by Pontius Pilate, acting Governor of Lower Galilee, stating that Jesus of Nazareth shall suffer death on the cross.
In the year seventeen of the empire Tiberius Caesar and the 25th day of March, the city of the holy Jerusalem, Anna and Caiaphas being priests, sacrificers of the people of God, Pontius Pilate, Governor of Lower Galilee, sitting on the presidential chair of the Praetory, condemns Jesus of Nazareth to die on the cross between two thieves—the great and notorious evidence of the people saying:—

1. Jesus is a seducer.
2. He is seditious.
3. He is an enemy of the law.
4. He calls himself falsely the Son of God.
5. He calls himself falsely the King of Israel.
6. He entered into the temple followed by a multitude, bearing palm branches in their hands.

Order the first centurion, Quirius Cornelius, to lead him to the place of execution.

Forbidden to any person whatsoever, either poor or rich, to oppose the death of Jesus.

The witnesses who signed the condemnation of Jesus are viz:—1. Daniel, Robat, a Pharisee; 2. Jannas, Roshabab, 3. Resabab, Robat; 4. Capet, a scribe.

Jesus shall go out of the city of Jerusalem by the gate of Sion.

The above sentence is engraved on a copper plate, on one side are written these words:—A Similar plate is sent to each tribe. It was found in an antique vase of white marble, while excavating in the ancient city of Aquila, in the kingdom of Naples, in the year 1829, and was discovered by the Commissioners of Arts attached to the French army. At the expedition of Naples, it was found enclosed in a box of ebony, in the custody of the Chamberlain, the vase in the Chapel of Caserta. The French translation was made by the members of the Commission of Arts. The original is in the Hebrew language. The Chamberlain requested earnestly that the plate should not be taken away from them. The request was granted, as a reward for the services they rendered for the army. M. Desros, of the army, caused a plate to be made of the same metal, on which he had engraved the above sentence.

At the sale of his collection of antiquities, &c. it was bought by Lord Howland for 2,500 francs. Its intrinsic value and interest are much greater. A few years ago there was found at Catania, in New York, a "babel of Israel," of the time of our Saviour. On one side was the representation of a palm leaf; on the other a picture of the temple, with the words underneath "Holy Jerusalem," in the Hebrew tongue. Relics like these, properly authenticated, have about them an inexpressible sacredness and moment. They seem to blend two worlds, and to carry human curiosity from the State to the infinite.

COQUETRY AND COWARDICE.

On Friday afternoon last a gentleman coquette of this city, a merchant named B—, was "paid off" for a recent indiscretion in his "amiable weakness" in a way which should serve as a caution to all other male triflers with the fair sex. It appears that Mr B. had heretofore wooed a young lady of Brooklyn, of unexceptionable character and family, and having won from her a consent to become his wife, the wedding day was appointed, the wedding garments prepared, and the day that was to have witnessed the union found every thing ready on the part of the expectant bride and her family. The priest had arrived, the guests were all seated in anxious expectancy, and the fair bride—but we can't begin to tell how it was with her. The appointed hour arrived and passed, but no bridegroom made his appearance; and finally a tardy note from him terminated

the suspense with the information that he had changed his mind!

It was but a few days, however, before the fickle lover, through the intervention of a friend, and the plea of a love-caused inflammation of mind, succeeded in obtaining a reconciliation with the disappointed lady; though her family, among which was a fond brother, could not well bring their minds to forgive the treatment they had received from the now repentant lover. They did not, however, throw any obstacles in the way of the reconciliation and reunion of the high contracting parties, and the result was a second appointment of a wedding day, and a second preparation for the due consummation and celebration of the union—and a second disappointment of the lady, and mortification of her family, because her faithless wooer had again changed his mind!

This was too much for the family to bear, however it might have been with the lady, and her indignant brother took upon himself the task of avenging the insult and ridicule that had been cast upon the house, held by the deceitful wooer of his sister. About 2 o'clock on Friday afternoon he repaired to Delmonico's and, as he expected, there found the object of his anger, and a large collection of other gentlemen. Nothing daunted, however, by the congregation present, the angered brother seized hold of the refractory suitor with one hand, and with the other he applied to him most lustily a heavy cowhide, which made the second recipient of his weighty and rapidly descending favors, jump, and yell, and writhe, with agony and rage. The scene was rich to the collected bystanders, but the unfortunate victim might well have said, with the frogs in the fable, "though it may be fun to you, it is death to us." To the death, however, did the brother push his punishment; but satisfied himself with inflicting upon the object of his anger the severest chastisement that is upon our city records.—*New York Sun.*

We saw a pair of five year old cren upon the Fairbank scales in this city which weighed Four Thousand Two Hundred and Seventy Pounds. They belonged to Daniel Marsh, Esq. of Ferrisburgh, and have been used by him for the last three seasons, including the present. In point of beauty of form, and liveliness of motion they seemed not less distinguished than in their size and weight. They were raised by Benjamin Carpenter of Ferrisburgh and are, in all respects, the best pair of cattle we have seen for many a day. We could not learn that they had any particular claim to distinguished blood, or that they were in this respect other than the common breed of the country. Upon inquiry, we learned also, that they had been weighed several times with the following result:

In June 1838,	3130
In Nov. 1838,	3630
In March 1839,	3700
In Nov. 1839,	4270

We wish superior oxen of this description were more common in "Old Adirondack."—*Vergennes Vermonter.*

ARRIVAL OF THE BRIT. QUEEN.

The splendid steamship "British Queen" arrived at New York late on Saturday evening, bringing ten days later intelligence from England. There is no material change in the English money market. The pressure continues, and the embarrassments of the Bank of England are somewhat alarming. The extraordinary exertions made by that institution to give a favorable turn to the foreign exchanges had not been entirely successful. The policy of the Direction was generally approved, but the credit of the Bank in Paris having been exhausted, it was supposed that a more severe pressure upon the "Home Trade" than any which has yet been experienced, would be the natural result. Cotton has fallen, in the Liverpool market three-eighths of a penny, and there is a greater demand for foreign goods—which may be termed a mixture of good and bad news. The disastrous intelligence of the suspension of the Bank of the United States had not arrived at Liverpool or London, when the "British Queen" sailed; and what the commercial effect will be is, as yet, only matter of conjecture. But we entertain no doubt that it will seriously affect the credit of our merchants and monied institutions. After the first shock is over, the panic may subside—but the credit of the United States Bank in Europe will be gone.

From India despatches to the end of August have been received. The British army which left Calcutta in four divisions in May for Ghazny arrived before that place on 22d July. An attack was commenced at 2 o'clock in the following morning, at 5 o'clock the colors of the enemy's 13th and 17th regiments floated on the towers of the citadel of Ghazny. Thus in less than 3 hours one of the strongest places in Asia, defended by a garrison of 3,500 of the Afghans, and commanded by a son of the ex-king of Cabul, fell into the power of the British. Five hundred men of the garrison were killed. The remaining three thousand were made prisoners, together with their commander. The loss of the British troops was only one hundred and ninety-one men horsed combat.

Intelligence of this brilliant feat having reached Cabul, Dost Mahomet sailed forth at the head of 1200 (query 13,000) men, but the demoralizing effect produced by the fall of Ghazny was such, that Dost Mahomet was a few minutes afterwards abandoned by all his soldiers, and compelled to fly with only 300 men, abandoning his artillery, ammunition, baggage, &c. The English army immediately advanced on Cabul without meeting the slightest resistance.

Two new expeditions were contemplated, and in preparation—the one against Saadpore, the other against Kurnal. The success of the British army in Afghanistan, the preparation for attack

ing the two cities just mentioned, and the recent disposition of the Rajah of Sattar will render more manageable and mild the most untractable enemies.

RUSSIA.

Letters from Berlin give the following details respecting the mutiny in the corps of the Russian General Gelsmar, which has recently been mentioned in several foreign journals. This corps, it is said, has been for a long time under orders to march out of the interior of Russia into Poland. In expectation of this change, a conspiracy was formed, in the corps, which was composed almost exclusively of Russians, and which was to break out on the first favorable opportunity that should present itself after the arrival of the corps at Warsaw. The conspirators aimed at nothing less than making themselves masters of the citadel at Warsaw, and of the fortress of Modlin. The supplies of arms and ammunition accumulated in those arsenals were to be divided amongst the people; Poland was to be called on to rise en masse; and the leaders were determined to march on St. Petersburg with all possible speed. The order to march actually arrived, and the corps began to move in the direction of Wilna, but was suddenly and unexpectedly ordered to halt the reason assigned for which was that the Emperor intended to pass it in review. During the march an officer of artillery named Sierozinski had been admitted to join the conspirators, and having learned their plans, contrived, it seems, to send timely information of these proceedings to St. Petersburg. All the necessary counter arrangements were immediately adopted by the government, and after the corps of General Gelsmar had spent about a fortnight in the neighborhood of Wilna that General and 230 officers were arrested on the same night, and several shot without formal trial. None of the motives which occasioned the conspiracy have transpired; and it seems that the Poles so far from being participants in it, were not aware of its existence.

THE QUEEN'S MARRIAGE.—Flying rumors began to circulate in London, to the effect that the Queen and Prince Albert were about to be married; and it seemed that Victoria would, like the former monarch, be crowned with repeated application from parliament to enter the matrimonial circle. Prince Albert is a guest at the palace, which is likely to be his home; and as our readers at least, may be curious to know something of the form and bearing of the man, who can win the hand of a queen, we may add that he is described as a "fine, noble-looking fellow, with blue eyes, and whiskers rather sandy, stature tall, of a cheerful disposition most unfeigned in his manners, and he speaks English well, but with something of a foreign accent."

BURLINGTON

FRIDAY MORNING, NOVEMBER 29.

Congress convenes on Monday next, and we shall look with unusual interest for the first few days proceedings, as parties are about equally divided, and there will be a spirited contest for the election of officers. There is another point in relation to which great interest is felt throughout the country. It is rumored that an attempt will be made by the administration, to deprive Messrs. AYER, MARVELL, STRATTON, YONK, HALSTED, of New Jersey; NAYLOR, of Pennsylvania; and STUART, of Illinois, of their seats—all of whom have proper legal certificates of their election—in order to obtain the election of a Van Buren Speaker and Clerk. What will be the result of this disorganizing maneuver cannot now be easily determined. It seems that the law has not provided the agent nor the mode for determining in the first instance, who are the members of a new Congress; but the custom has ever been for the old clerk, ex-officio, to make out a list from newspaper or other information, of all the members receiving certificates of election in their respective states, and there have elected the officers, and held their seats until ejected by a regular investigation. In the present instance, however, there are seven whig members, about whose election there is a pretence, similar to that set up in this town last fall. If these members are not enrolled in the first instance, it will enable the administration to elect its officers, after which it would be comparatively immaterial what becomes of the contested elections. The old clerk is an unsatisfactory tool of the administration and it is said will attempt this desperate experiment. But we shall see.

BANK BILLS.

The payment of bills of an insolvent bank does not discharge a debt, though both the parties at the time were ignorant of the insolvency. This principle was settled at the last session of the Supreme Court in Washington County, in the case of Wainwright vs. Webster, which came up on exceptions to the decision of the court below. As it establishes a principle of some practical importance to the business community, we have procured a copy of the opinion of the court, as drawn up by Judge Bennett for the reporter, and give it in another column. Retribution as well reasoned and satisfactory.

THANKSGIVING.

In order that our workmen may participate in the enjoyments of this time-honored festival, we shall put our paper to press the coming week one day earlier than usual. Our advertising customers will therefore govern themselves accordingly.

THE MUTUAL.

Mr. Editor:—It appears that the condition of the Vermont Mutual Insurance Co. demands the attention of the insured. By the terms of the charter the company is required to pay all loss within three months after the directors are notified. To make these payments, assessments are made on the premium notes to the amount of the losses and contingent expenses. For the convenience of the company, or of the directors, the Treasurer gives his acceptance, payable at a future day, at a bank in the county where the loss accrues, and the insured by endorsing this acceptance may get it discounted and receive his money. In this country, I am told, there are acceptances to the amount of one fourth of all the losses for some time under protest for non-payment. How it is in other counties I am not informed. If one fourth of all the losses for the year past remains unpaid in this country, it is not unreasonable to suppose that there is an equal amount in all the other counties put together. And, quere—is not more than half the assessments paid in? If so, where is the money? Would it not be well for those interested to take measures to ascertain?

ONE OF THE INSURED.

MARSHFIELD.—Additional returns from this state render it more than probable that the scattering vote will defeat Morton's election. In this event the election devolves upon the senate, and as the political character of this body depends upon the elections to be made by the house, all eyes are now turned to that branch. That there are a majority of Whigs in it, admits of no doubt. But it is not equally certain how they may act in reference to the election of Governor. There's no calculating for a "striped pig."

An election took place on Monday, to fill the twelve vacancies in the Boston delegation, which resulted in the election of the entire whig ticket, by a majority of about nine hundred. The Atlas publishes a list of representatives elect, in which it claims a whig majority of 26 in the house, and this, it adds, cannot be overcome by the towns not heard from. The Atlas has no doubt of the re-election of Gov. Everett.

CONNECTICUT.

The loco focus are predicting great luck in Connecticut next spring. May they have plenty of such as they had at the town election in New Haven, a few days since. After an animated and very warm contest, the whigs elected their entire ticket by a majority of 352, being a gain of 65 on last year's vote. This is but a foretaste of the general result.

COMMON SCHOOLS.

J. O. Taylor proposes to lecture in the principal towns in the state, on this subject. He will be at this place on Monday evening the 9th of December. In his circular, he says:—
The Friends of Education are respectfully requested, in each of the above places to provide a room (a Church is commonly used) for the meeting, and announce the address as generally as possible, through the pulpit and the press and by Hand Bells.
J. O. TAYLOR.
Sec. of the Am. Com. School Society.

We learn from the Providence Journal of Monday that some of the large cotton factories in that town have stopped partially, or entirely, during the past week. The present state of business and the price of goods, compared with the raw material afford manufacturers no encouragement to continue in operation.

The following is from the New Orleans Courier, the leading administration paper in that city. Pride of opinion and party discipline must yield to the necessities of business and the sober common sense of community. Reflecting men—and most men are beginning to reflect—are heartily sick of the "experiments," the "expedients," and the "better-currency" of the past eight years, and the demand now is for something that shall regulate—a sound medium of exchange, a currency adequate to the legitimate business of the country. And whenever a practical man undertakes to prescribe the remedy he points you to the very institution that has fallen a prey to the present corrupt men in power. That institution did accomplish all these objects. The disastrous results that have attended its overthrow, are but too keenly felt. But truth is mighty. Hear the honest confession of one sinner who aided in putting down the bank:

"He, however, are in favour of a National Bank, subject to the supervision of Congress. WITHOUT IT WE CANNOT HAVE A NATIONAL CURRENCY, THAT WILL MEET THE NECESSITIES OF THE TRADING COMMUNITY. They will require a paper currency of equal value with specie; to effect this, we must have a Regulator, under the control of the people, through their Representatives in Congress. FURTHER, WE SAY, LET THE ADMINISTRATION COME TO OUR RESCUE. AND ERECT A NATIONAL BANK, at Washington with power to establish a branch in each state, when authorized by their legislatures."

The Burlington and Whitehall steamers have hauled off the line and gone into winter quarters.

ALFRED WAINWRIGHT.

LYMAN WEBSTER.
Bennett, I delivered the opinion of the Court. The important question in this case is, whether bills of an insolvent bank, paid to satisfy a precedent debt, and are at the time and place of payment in full credit, and the parties to the transaction are equally ignorant of such insolvency, (the bills having been offered to be returned,) are in point of law a satisfaction, if previous to such payment the bank has in fact become insolvent, and ceased to redeem its bills at its own counter, so that the bills had ceased to have any currency in the immediate vicinity of the bank; though this was unknown to either of the parties at the time of payment.

It is a principle of law, too well established to need authority, that where a bill of exchange or note of a third person is received in payment of a precedent debt, the risk of the insolvency of the maker is upon the party from whom the bill or note is received, unless there is an express agreement between the parties that the risk of the paper, in this respect, is to be the receiver's, or one to be implied from the facts and circumstances of the case; and the great question is, whether this principle is applicable to the case of an incorporated bank. It is to be noted that upon the payment of a bank bill in satisfaction of a precedent debt, (in the absence of other facts,) there is an implied agreement that the insolvency of the bank is at the risk of the party receiving the bill; then it follows that the authorities applicable to bills of exchange and promissory notes, do not apply to the case under consideration. It is true that by common consent, bank bills have for the purposes of business been treated as money; but this is a conventional regulation, for the convenience of business, and not a legal one. No state is authorized to coin money, or pass any law whereby any thing but gold and silver shall be made a legal tender in payment of a debt. It was decided at the last term of this Court in Rutland County, that a note payable in bank bills was not negotiable. They can not be recognized, in the legal acceptance of the term, as money; but it is wholly conventional. This conventional understanding, that bank bills are to pass as money, is founded upon the solvency of the banks, and the supposition that the bills are equivalent in value to specie, and are at any time convertible into specie at the option of the holder. Upon no other ground do bank bills pass, by common consent, as money, and hence there is an implied agreement of the parties, at the time the bills are passed, that they are equivalent to money, and they are paid by the one party and received by the other on that supposition; and unless this is the case, the one party does not pay what he intends to receive. From this principle of common consent, that bank bills should pass as money, it is the implied understanding of the parties that the receiver should take upon himself the risk of the failure of the bank; but this principle cannot be carried any further than this conventional arrangement extends, and that is, to treat them as money only so long as the bank which issues them continues to redeem them in specie, or in other bills equally negotiable with specie to the bill holder. When therefore a bank stops payment, the bills theretofore issued by it, lose their conventional character to be the representative of money, whether the particular bill holder is apprized of the fact or not; and from that time the bills of such bank assume their legal character of promissory notes, and mere securities for the payment of money. If they are afterwards passed off to a person equally ignorant of the insolvency of the bank, there can be no implied agreement from this conventional arrangement to treat them as money so long as they are convertible into specie, that the receiver shall maintain the loss which had then already accrued to the bill holder. It is difficult to see why there should be a distinction between bank bills after they cease to be by any conventional arrangement the representative of money, and other promissory notes. The law is well settled in this and other States, that the payment of a debt in a forged or counterfeit bank bill, is not a satisfaction, though both parties are equally ignorant of the fact. See 2 J. Mass. R. 458, Murkle vs. Hatfield, where Chancellor Kent reviews the authorities with much ability. The party paying must sustain the loss, or rather is not permitted to shift it upon the other party. The parties in such case act upon a mistake; the thing paid by the one, and received by the other, is not what they supposed it to be; and it would be highly inequitable that by this mistake the loss should be shifted from him who had already sustained it, upon the other, who was equally ignorant of the fact. In the case now before the Court, there was a mutual mistake. The parties supposed the bills when paid were then convertible into specie, and equivalent to money, and both acted on this supposition. Common sense then forbids, that the loss should be sustained by this mutual mistake be shifted from the defaulter to the plaintiff. In the state of Alabama, in the case of Lacey vs. Murrell, 2 Porter's R. 250, a different doctrine is said to be established, though I have only seen a note of the case. In the case of Young vs. Adams, 6 Mass. R. 182, a different doctrine is also intemperately thrown out. But the same question has been before the Supreme Court, and also the Court of Errors, in the State of New-York, in the case of Ligabody vs. Ontario Bank, 11 Wendell, 8, and 12 Wendell, 14, where the decision was in conformity with the views of this Court; and we think this latter decision will stand upon its own merits, and calculated to do the most equal justice.

It is not the business of the officer who receives a bill for service to receive pay on the demand. He is only to serve the writ; and if the debtor pays the demand to the officer, he holds it as agent of the debtor till he pays it to the creditor. The money in this case being paid to the creditor on the 23rd March, and after the bank had ceased to redeem its bills, is the same as if it had been then paid by the debtor. The objection to the decision of George B. Green, is without foundation. The judgment below is therefore affirmed.

Within the past year Albany has lost three distinguished members of the corps editorial. 1. J. B. Van Selsk, of the Daily Advertiser, a young man of fine talents, varied literary acquirements, and great promise. 2. Jesse Buel, of the Col. tiator, a man whose wholesome influence was felt, and acknowledged, from one extreme of the Union to the other. 3. Solomon Southwick, to whose memory the Evening Journal pays the following just tribute:

We are called to announce the death of another of our oldest and most distinguished citizens. Solomon Southwick, who has filled a large space in the public eye, for nearly forty years, is no more! He died suddenly last night of an affection of the heart. He was a man of talents and genius. From 1800 to 1813, Mr. Southwick, as Editor of the "Albany Register," exerted an influence over the political destinies of the State which few other men ever possessed. Then, too, fortune dealt harshly with him. He was rich as well as influential. But neither wealth nor power added.

With memorable land speculations of 1814, Mr. Southwick's fortunes began to ebb. His large losses on real estate were followed by a political revolution which deprived him of the patronage of the State. Still more successful misfortune, until his abundant wealth vanished away; and for the last twenty years he has been struggling with strong hands, a stout heart and ever bright hopes, against a foe which proved inexorable.

Mr. Southwick was among the ardent, generous, warm hearted men that ever lived. While rich, his purse was opened and emptied for all who came to him in distress. Though professing in his expenditures and abounding in his charities, he was ever distinguished for his personal frugality and economy, always living upon the plainest diet and drinking only nature's beverage. He was in his manners, feelings and sentiments a REPUBLICAN. Oppression and tyranny always found in him an enthusiastic and fearless opponent. He was ever inclined to espouse the cause of the weak against the strong. But we cannot even enter upon his history, now.

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